

AGENDA



BERKELEY CITY COUNCIL MEETING

TUESDAY, APRIL 3, 2012

7:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

TOM BATES, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – DARRYL MOORE
DISTRICT 3 – MAX ANDERSON
DISTRICT 4 – JESSE ARREGUIN

DISTRICT 5 – LAURIE CAPITELLI
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – GORDON WOZNAK

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, CMC, Acting City Clerk, 981-6900.

The City Council may take action related to any subject listed on the Agenda. The Mayor may exercise a two minute speaking limitation to comments from Councilmembers. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Five persons selected by lottery will have two minutes each to address matters not on the Council agenda. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a name card to the City Clerk in person at the meeting location and prior to commencement of that meeting. Five cards will be drawn by the City Clerk to determine the speakers who will be allowed to comment during the first round of public comment on non-agenda matters. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Name cards are not required for this second round of public comment on non-agenda matters.*

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Up to three speakers will be entitled to two minutes each to speak in opposition to or support of a Consent Calendar Item. The Presiding Officer will ask additional persons in the audience to stand to demonstrate their respective opposition to or support of the item.*

In the event that there are more than three persons wishing to speak either in opposition to or support of a "Consent" item, the Presiding Officer will move the item to the beginning of the Action Calendar. Prior to moving the item, the Presiding Officer will fully inform those persons in the audience of this process.

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

The Council will first determine whether to move items on the agenda for action or "Information" to the "Consent Calendar", or move "Consent Calendar" items to action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

After hearing from public speakers regarding items remaining on the Consent Calendar, any Council Member may move any Information or Consent item to "Action", however no additional items can be moved onto the Consent Calendar at that point. Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items removed from the Consent Calendar to the Action Calendar for additional public comment, at the time the matter is taken up during the Action Calendar, public comment will be limited to persons who have not previously addressed that item during the Consent Calendar related public comment period.

1. **License Agreements: LBA RIV-CO XII LLC c/o LBA Realty for Vacant Lots, 940 Avenue/Sixty-Seventh Street (67th) Street**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,228–N.S. authorizing the City Manager to execute three-year license agreements and any amendments with LBA RIV-CO XII LLC c/o LBA Realty for real property located at 940 Folger Avenue (address also known as 6701 San Pablo Avenue in prior agreement) for the purpose of using striped and paved vacant lots by the Berkeley Police Department's Traffic Division in an amount not to exceed \$7,000 per annum from September 1, 2011 to August 31, 2014, with an option to extend for an additional two-year period.
First Reading Vote: All Ayes
Financial Implications: Parking Meter Fund - \$35,000
Contact: Michael Meehan, Police, 981-5900
2. **Downtown Area Plan (DAP) 2012 and Implementation Measures**
From: City Manager
Recommendation: Adopt second reading of the following Ordinances:
 1. Ordinance No. 7,229–N.S. to repeal and reenact Chapter, 23E.68, and retitling it from C-2 to Commercial Downtown Mixed- Use (C-DMU);
 2. Ordinance No. 7,230–N.S. to adopt Chapter, 23B.34 (Green Pathway); and
 3. Ordinance No. 7,231–N.S. amending Definitions in Chapter 23F.04; and

Consent Calendar

4. Ordinance No. 7,232–N.S. amending the official Zoning Map by reclassifying portions of the Downtown Area Plan area from C-1, C-2, C-SA, R-2A and R-4 to C-DMU, C-SA, or R-3 and include the following four subareas within the C-DMU District: Core, Outer Core, Corridor, and Buffer.

First Reading Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Wozniak, Mayor Bates; Noes - Worthington

Financial Implications: See report

Contact: Wendy Cosin, Planning and Development, 981-7400

3. **Appointment of Director of Planning**

From: City Manager

Recommendation: Adopt a Resolution confirming the appointment of Eric Angstadt as Director of Planning to be effective no later than April 30, 2012.

Financial Implications: See report

Contact: Christine Daniel, Interim City Manager, 981-7000

4. **Contract: Management Partners Inc. for Organizational Review of the Revenue Generation and Revenue Collection Functions of the Finance Department**

From: City Manager

Recommendation: Adopt a Resolution approving a contract with Management Partners, Inc., to perform a review of the revenue generation and revenue collection functions of the Finance Department, for a total amount not to exceed \$48,950.

Financial Implications: General Fund - \$48,950

Contact: Robert Hicks, Finance, 981-7300

5. **Formal Bid Solicitation and Request for Proposal Scheduled For Possible Issuance in the Next 30 Days**

From: City Manager

Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

Financial Implications: Various Funds - \$2,232,350

Contact: Robert Hicks, Finance, 981-7300

6. **Write-off of Uncollectible Account Receivable Due From Northwestern Equipment & Supply Company**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to write off an uncollectible outstanding accounts receivable for business license fees, penalties, and interest for \$47,368 due from Northwestern Equipment & Supply Company, which resulted from a Business License Tax audit conducted by the City Auditor's staff. The amount recorded in the City's general ledger by the Finance-Revenue Collection Division is \$1,110.

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

Consent Calendar

- 7. Additional Reservation of Housing Trust Funds to Resources for Community Development for the University Avenue Cooperative Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing an additional reservation of \$20,000 in Housing Trust Funds to Resources for Community Development (RCD) to complete the federal environmental review requirements for the University Avenue Cooperative Homes development (UA Co-op), and waiving the Housing Trust Fund Guidelines to allow the City to approve a total predevelopment loan to UA Co-op of \$53,100.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
- 8. Grants: California Family Health Council, Inc. for Federal Title X Funds for Health Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to accept Federal Title X grant funds from the California Family Health Council, Inc. (CFHC) in the amount of \$166,681 for the calendar year, January 1, 2012 through December 31, 2012, to support clinical reproductive health services, as well as individual and community health education and outreach activities; and to execute the resultant revenue agreements, contracts, and any amendments and extensions.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
- 9. Proclaiming May as Mental Health Month**
From: City Manager
Recommendation: Adopt a Resolution proclaiming May 2012 as Mental Health Month in the City of Berkeley.
Financial Implications: None
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
- 10. Waiver of the Affordable Housing Mitigation Fee for the Property at 1634 Alcatraz Avenue**
From: City Manager
Recommendation: Adopt a Resolution to waive payment of the Affordable Housing Mitigation Fee (AHMF) of \$59,063 for the condominium property at 1634-36 Alcatraz Avenue conditioned upon the Bank of America approving the short sale to the Dalldorf Family Trust and the Trust agreeing to continue to keep two of the units as affordable housing.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

Consent Calendar

11. **Contract No. 7009 Amendment: 2M Associates for the Bay Trail Extension Project for Additional Design and Construction Support Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7009 with 2M Associates of Berkeley to provide construction support services for the Bay Trail Extension project in an amount not to exceed \$76,579 for a total contract amount not to exceed \$431,579, and extending the contract through June 30, 2013.
Financial Implications: Metropolitan Transportation Commission - \$76,579
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
12. **Contract: Association of Sports Field Users Inc. for Operations, Maintenance, and Scheduling at Gilman and Gabes Sports Fields**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager and her designee to execute a contract and any amendments with Association of Sports Field Users (ASFU), Inc. for operations, maintenance, and scheduling services at Gilman and Gabes sports fields in an amount not to exceed \$124,000 per year for a period of three years, beginning April 1, 2012, with two one-year options to extend for a total contract amount not to exceed \$620,000.
Financial Implications: Gilman Sports Field Fund - \$620,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
13. **Contract: Arborwell, Inc., for Tree Inventory Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Arborwell, Inc. to conduct a tree inventory and provide software services in an amount not to exceed \$145,000 for the period beginning on April 5, 2012 and ending March 30, 2013.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
14. **Agreement: University of California for Improvements to Piedmont Avenue**
From: City Manager
Recommendation: Authorize the City Manager to:
1. Enter into an agreement with the University of California (UC) in a mutual effort to design and construct public improvements to southbound Piedmont Avenue north of the intersection with Bancroft Avenue;
2. Waive the usual fees for connection to City's sewer collection system by new UC facilities, since UC has already constructed the needed improvements to the sewer system as part of the projects; and
3. Assess comparable mitigation fees, in an amount equal to the sewer connection fees, to be used for other improvements to the City's public infrastructure associated with the UC projects.
Financial Implications: See report
Contact: Andrew Clough, Public Works, 981-6300

Consent Calendar

15. **Contract: Andes Construction, Inc. for Sanitary Sewer Rehabilitation Project on Adeline Street, Alcatraz Avenue, and Fairview Street**
From: City Manager
Recommendation: Adopt a Resolution:
1. Approving the plans and specifications for the Sanitary Sewer Project, 12-10612-C, located on Adeline Street, Alcatraz Avenue, and Fairview Street; and
2. Accepting the bid of the lowest responsive and responsible bidder, Andes Construction, Inc.; and
3. Authorizing the execution of a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$812,766 for the period of 150 calendar days from the date of the execution of the contract.
Financial Implications: Sanitary Sewer Operation - \$812,766
Contact: Andrew Clough, Public Works, 981-6300
16. **Contract No. 8295 Amendment: Evergreen Holdings, Inc. for Transport, Recycling and Disposal of Used Motor Oil and other Hazardous Waste**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 8295 with Evergreen Holdings, Inc. for the pickup and recycling of used motor oil, antifreeze, used oil filters and materials, increasing the contract by \$50,000 for a total amount not to exceed \$100,000 for the contract term ending June 30, 2013.
Financial Implications: Various Funds - \$100,000
Contact: Andrew Clough, Public Works, 981-6300
17. **Contract No. 8332 Amendment: Broward Builders, Inc., for 1 Bolivar Drive - Dona Spring Animal Shelter and East Touchdown Plaza Construction Projects**
From: City Manager
Recommendation: Adopt a Resolution amending Contract No. 8332 with Broward Builders, Inc. for 1 Bolivar Drive - Dona Spring Animal Shelter and East Touchdown Plaza (ETP) construction projects, increasing the amount by \$232,472 for a revised total amount not to exceed (NTE) \$8,350,966.
Financial Implications: See report
Contact: Andrew Clough, Public Works, 981-6300
18. **Contract: MCK Services, Inc. for Street Rehabilitation FY 2012**
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Street Rehabilitation FY 2012 Project, 12-10627-C; accepting the bid of MCK Services, Inc. and authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications in an amount not to exceed \$2,558,361.
Financial Implications: Various Funds - \$2,558,361
Contact: Andrew Clough, Public Works, 981-6300

Consent Calendar

19. **Surplus Property Disposition: 2931 Shasta Road**
From: City Manager
Recommendation: Adopt the first reading of an Ordinance approving the sale of 2931 Shasta Road and authorizing the Interim City Manager to execute all necessary documents required to sell the property, for the amount of \$540,000.
Financial Implications: General Fund revenue - \$540,000, included in adopted FY 2012 budget
Contact: Andrew Clough, Public Works, 981-6300

Council Consent Items

20. **Sponsorship of the Hemophilia Foundation of Northern California's Hemophilia Walk**
From: Councilmember Maio
Recommendation: Officially sponsor the Hemophilia Foundation of Northern California's (HFNC) Hemophilia Walk on scheduled for April 21, 2012 in Cesar Chavez Park. The HFNC is not seeking monetary sponsorship, just the ability to use City logo in event materials.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
21. **City Support for Three Pending Anti-Human Trafficking Bills**
From: Councilmembers Maio, Arreguin and Wengraf
Recommendation: Support three bills currently pending enacting measures to combat human trafficking: Senate Bill 1301; House Bill 2759; and House Bill 2730.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
22. **Supporting Assembly Bill 1081 as Amended**
From: Councilmember Arreguin
Recommendation: Adopt a Resolution supporting the recently amended Assembly Bill 1081, the TRUST Act, introduced by Assemblymember Tom Ammiano, and urging the California State Legislature and Governor Jerry Brown to support the TRUST Act.
Financial Implications: None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
23. **City Sponsorship of the 2012 Himalayan Fair**
From: Councilmember Capitelli
Recommendation: Adopt a Resolution cosponsoring the 2012 Himalayan Fair to be held at Live Oak Park on Saturday, May 19 and Sunday, May 20.
Financial Implications: None
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150

Council Consent Items

- 24. Adjustment in Fees for Change of Address for Home Occupations**
From: Councilmember Capitelli
Recommendation: Request that staff review the fee to change business address for an approved home occupation business license and consider reducing it from \$180 to \$50 if the business is moving to a comparable residential zone.
Financial Implications: See report
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
- 25. 2012 Berkeley Cinco de Mayo Celebration: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmembers Worthington and Arreguin
Recommendation: Adopt a Resolution approving the expenditure an amount not to exceed \$1,000 per Councilmember to the Cinco de Mayo Celebration with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Kriss Worthington, Jesse Arreguin and any other Council members that would like to contribute.
Financial Implications: Councilmembers' Discretionary Funds - \$1,000
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 26. Chavez Commemoration Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmembers Worthington and Arreguin
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember to the City of Berkeley Cesar Chavez Commemoration Event with funds relinquished to the City's general fund for this purpose from Councilmember Kriss Worthington's and Jesse Arreguin's discretionary Council Office Budget and any other Councilmembers who would like to contribute.
Financial Implications: Councilmembers' Discretionary Funds - \$1,000
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
- 27. Support Initiative 11-0098 Medical Marijuana Regulation, Control, and Taxation Act of 2012**
From: Councilmember Worthington
Recommendation: Support Initiative 11-0098 the Medical Marijuana Regulation, Control, and Taxation Act of 2012 (MMRCT).
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Council Consent Items

28. City Manager Referral: Creation of Department of Environment From: Councilmembers Worthington and Wozniak

Recommendation: Refer to the City Manager to officially evaluate the organizational, operational, financial costs and benefits of a restructuring of City department's to create a new Department of Environment, considering consolidation of certain environmentally pertinent functions of the following city departments: Parks and Recreation (Trees/Urban Forestry), Public Works (Solid Waste Division, Recycling Services, Transportation, Watershed Resources, aspects of Sidewalk Program, Street Repair Program and Sanitary Sewer Program), Planning and Development (Office of Energy and Sustainable Development, Toxics Management Division) the City Manager's Office (Office of Economic Development, specifically the East Bay Green Corridor, Green Business Certification Program, Buy Local Berkeley, Commercial Renewable and Energy Efficiency Programs), and the Department of Health Services (Environmental Health Division).

Financial Implications: Unknown

Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Action Calendar

After the initial ten minutes of public comment on non-agenda items and public comment and action on consent items, the public may comment on each remaining item listed on the agenda for action as the item is taken up. Where an item was moved from the Consent Calendar to Action no speaker who has already spoken on that item would be entitled to speak to that item again.

The Presiding Officer will request that persons wishing to speak line up at the podium to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action Calendar - Appeals

Time shall be provided for public comment for persons representing both sides of the action/appeal and each side will be allocated seven minutes to present their comments on the appeal. Where the appellant is not the applicant, the appellants collectively shall have seven minutes to comment and the applicant shall have seven minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have seven minutes to comment and the persons supporting the action of the board or commission on appeal shall have seven minutes to comment.

29. ZAB Appeal: 2301 Durant Avenue From: City Manager

Recommendation: Adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to approve Use Permit No. 10-10000017 to demolish an existing parking garage, school, and church community facility, and construct a five-story mixed-use building with a ground-floor parking garage, church community facility, and Group Living Accommodations (GLA) for 164 residents.

Financial Implications: None

Contact: Wendy Cosin, Planning and Development, 981-7400

Action Calendar – Appeals

b. Communications

1. Shirley Brower, et al
2. William Barclay
3. Steven Finacom

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

30. **Submission of the PY2012 Annual Action Plan Including Allocations of Federal Funds and a Revised Citizen Participation Plan, and the Emergency Solutions Grant Substantial Amendment**

From: City Manager

Recommendation: Conduct a Public Hearing on

1. The federal Program Year (PY) 2012 Annual Action Plan (AAP) for federal funds, including the allocation of federal funding for community agencies for FY2013 and a revised Citizen Participation Plan, and
2. The Emergency Solutions Grant Substantial Amendment to the City's PY2011 Annual Action Plan, and upon conclusion, adopt a Resolution: 1) Approving proposed funding allocations under the FY2013 Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnerships Program (HOME); and 2) Authorizing the execution of resultant agreements and amendments with community agencies for the above-mentioned funds; and 3) Allocating 90% of the FY2013 HOME funds to the Housing Trust Fund, and 10% for program administration; and 4) Authorizing the City Manager to submit the PY 2012 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD), which includes a revised Citizen Participation Plan; and 5) Authorizing the City Manager to submit the ESG Substantial Amendment to the PY2011 Annual Action Plan governing the use of additional ESG funds.

Financial Implications: See report

Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

Action Calendar – Old Business

31. **Amendments to Berkeley Election Reform Act (Continued from March 20, 2012)** **From: Fair Campaign Practices Commission**

Recommendation: Adopt the first reading of an Ordinance amending the Berkeley Election Reform Act (BERA), Berkeley Municipal Code Chapter 2.12, as follows:

1. Amend section 2.12.065 to provide for electronic posting of campaign contributions in lieu of newspaper publication;
2. Add section 2.12.231 to create additional remedies for violations including issuance of monetary penalties;

Action Calendar – Old Business

3. Add section 2.12.271 to create additional filing requirements for committees making expenditures in support of or opposition to a measure;
4. Add section 2.12.297 to require additional filing of independent expenditure reports in 40 days preceding election;
5. Add section 2.12.335 to require disclosure on campaign communications of certain contributions (top four contributors with total contributions over \$250); and
6. Amend section 2.212.485 to create a penalty for late filing of reports required by section 2.12.297.

Financial Implications: Staff time

Contact: Kristy van Herick, Commission Secretary, 981-6950

32. Commission Recommendation Based on Referral Regarding Electronic Filing of Campaign Statements *(Continued from March 20, 2012)*

From: Fair Campaign Practices Commission

Contact: Kristy van Herick, Commission Secretary, 981-6950

33. Contribution Limits on Contractors Doing Business with the City *(Continued from March 20, 2012)*

From: Councilmember Arreguin

Recommendation: Refer to the Fair Campaign Practices Commission (FCPC) for consideration the issue of prohibiting contributions by contractors doing business with the City and the Berkeley Unified School District.

Financial Implications: Unknown

Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

Action Calendar – New Business

34. a. Housing Trust Fund Reservations for Savo Island Cooperative Homes and the Berkeley Housing Authority Low Income Public Housing Units

From: Housing Advisory Commission

Recommendation: Adopt a Resolution that:

1. Approves the following allocations from the Housing Trust Fund (HTF) a) Savo Island Cooperative Homes – HOME funds - \$135,000 and b) Berkeley Housing Authority Public Housing Units – General funds - \$100,000; and
2. Waives the existing HTF Guidelines in order to approve the above funding reservations.

Financial Implications: See report

Contact: Kathryn Hoover, Commission Secretary, 981-5415

b. Replacement Loan to Savo Island Cooperative Homes

From: City Manager

Recommendation: Adopt a Resolution:

1. Approving a reservation of HOME Program funds in an amount not to exceed \$135,000 to Savo Island Cooperative Homes (the Cooperative) from the Housing Trust Fund (HTF) to replace a loan previously made by the Berkeley Redevelopment Agency (BRA); and
2. Authorizing the Interim City Manager to execute all necessary legal documents to make the loan to the Cooperative.

Financial Implications: See report

Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

Action Calendar – New Business

c. Predevelopment Loan to Berkeley Housing Authority

From: City Manager

Recommendation: Adopt a Resolution:

1. Approving a fund reservation of General Funds from the Housing Trust Fund (HTF), in an amount not to exceed \$300,000, to the Berkeley Housing Authority (BHA) to fund costs associated with the disposition and rehabilitation of 75 units of rental housing owned by BHA; and
2. Waiving the HTF Guidelines dealing with predevelopment loans limits to advance up to \$300,000 to BHA; and
3. Allowing the City to reimburse BHA for predevelopment expenditures approved by staff that are incurred prior to executing the necessary loan documents; and
4. Authorizing the Interim City Manager to execute all necessary legal documents to make the predevelopment loan to BHA; and
5. Amending City Council Resolution No. 64,893-N.S. to rescind a prior \$236,000 HTF fund reservation to BHA.

Financial Implications: See report

Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

35. Potential Ballot Measures in 2012: Parks Tax Increase and the Inclusion of Parks Projects in a Citywide Bond Measure

a. From: Parks and Recreation Commission

Recommendation:

1. Include an item on the November 2012 ballot to increase the Parks Tax base rate to solve the current structural deficit and include additional funding for annual maintenance to preserve existing parks and facilities; and
2. Include parks projects in the Citywide bond measure on the November ballot to address priority safety issues, ADA access issues, and necessary upgrades in City parks and facilities

Financial Implications: See report

Contact: Roger Miller, Commission Secretary, 981-6343

b. From: City Manager

Recommendation: Refer the actions from the Parks and Recreation Commission related to the Parks Tax and parks bond to the Council's November 2012 ballot discussions.

Financial Implications: None

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

36. Diesel Spill Response: December 10, 2011

a. From: Community Health Commission

Recommendation: Schedule an item on a future agenda to discuss the December 10th diesel spill, specifically:

1. What happened,
2. What is the university's plan,
3. What corrective action is going to be taken,
4. In addition, council should discuss the City's preparedness response plan for hazardous spills including liaisons with partner agencies,
5. Adequacy and timeliness of response.

Financial Implications: See report

Contact: Tasha Tervalon, Commission Secretary, 981-5347

Action Calendar – New Business

b. From: City Manager

Recommendation: Review the summary of actions taken in response to the diesel fuel spill at UC Berkeley Stanley Hall

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700

Council Action Items

37. City Council Redistricting Plan Ballot Language

From: Mayor Bates and Councilmembers Arreguin and Capitelli

Recommendation: Request the City Manager to direct the City Attorney to draft “City Council Redistricting Plan” ballot language for the November election keeping in mind, but not limited to the following criteria:

1. Elimination of the 1986 boundary lines.
2. Using major traffic arteries and natural geography as boundaries.
3. Keep communities of interest (as defined by law) intact.
4. Protection of incumbents.

Financial Implications: Unknown

Contact: Tom Bates, Mayor, 981-7100

38. Support Faculty Petition and Request the DA Drop Charges from November 9, 2011 UC Protest

From: Councilmembers Worthington, Anderson and Arreguin

Recommendation: Endorse the Berkeley Faculty Association petition and send a letter to the Alameda County District Attorney to drop charges. Also send letters to the U.C. Chancellor and U.C. Police Chief to request they send letters to the District Attorney to have all charges dropped against the participants in the November 9, 2011 student, union, faculty, and community.

Financial Implications: Minimal

Contact: Kriss Worthington, Councilmember, District 7, 981-7170

39. Create an Ongoing Structure for Official City Manager Evaluation

From: Councilmember Worthington

Recommendation: Appoint a subcommittee to create an ongoing structure for an official annual City Manager evaluation.

Financial Implications: None

Contact: Kriss Worthington, Councilmember, District 7, 981-7170

40. Ensuring Community Input into People’s Park Improvements

From: Councilmember Worthington

Recommendation: Adopt the Peace and Justice Resolution to ensure community input into People’s Park improvements.

Financial Implications: Minimal

Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Information Reports

41. FY 2013 Mid Biennial Budget Update

From: City Manager

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

Information Reports

- 42. **Investment Report: Quarter Ended December 31, 2011**
From: City Manager
Contact: Robert Hicks, Finance, 981-7300
- 43. **Grant: Alameda County Meals on Wheels Agency for the Berkeley Meals on Wheels Program**
From: City Manager
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
- 44. **Council Referral: Green Construction Incentives**
From: City Manager
Contact: Wendy Cosin, Planning and Development, 981-7400
- 45. **Community Environmental Advisory Commission Work Program for 2012**
From: Community Environmental Advisory Commission
Contact: Nabil Al-Hadithy, Commission Secretary, 981-7461
- 46. **Report on Regional Bodies Participation**
From: Mayor Bates
Contact: Tom Bates, Mayor, 981-7100

Public Comment – Including Items Not Listed on the Agenda –

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc., 1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33), via internet accessible video stream at <http://www.ci.berkeley.ca.us/video> and KPFB Radio 89.3.

Archived indexed video streams are available at <http://www.ci.berkeley.ca.us/citycouncil>.

Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of the civic center located at 2180 Milvia Street as well as posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.ci.berkeley.ca.us/citycouncil> and may be read at reference desks at the following locations:

City Clerk Department
2180 Milvia Street
Tel: 510-981-6900
TDD: 510-981-6903
Fax: 510-981-6901
Email: clerk@ci.berkeley.ca.us

Libraries:
Main - 2090 Kittredge Street

West Branch – 1125 University

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346(V) or 981-7075 (TDD) at least three business days before the meeting date.

Please refrain from wearing scented products to this meeting.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on March 22, 2012.***

A handwritten signature in black ink, appearing to read 'Mark Numainville'.

Mark Numainville, City Clerk

## **Communications**

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record.*

### **Police Conduct**

1. Barbara Holden

### **Tax Increases**

2. William McIntyre

### **Lifelong Learning Classes**

3. Virginia Polak

### **Watershed Management Plan**

4. Igor Tregub, on behalf of the Sierra Club, Northern Alameda County Group

